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## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

Appln. Ser. No.	Filed	Inventor(s)	Atty Dkt.
09/900,535	6 July 2001	G.J. Fisher et al.	100UM-011A (1718-011A)
Title: UVA (>360-400) and UVB (300-325) Specific Sunscreens			
Examiner: Vickie Y. Kim		Art Unit: 1614	

Asst. Comm'r for Patents  
Washington, D.C. 20231-0001

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**RESPONSE TO RESTRICTION REQUIREMENT  
and Petition for Extension of Time**

Dear Sir:

This Response is made in complete response to the Office action mailed 24 September 2002 setting a one month date for response, the date for response being extended by the Petition at the end of this paper to 24 February 2003.

In the Office action, restriction was required between the allegedly separate inventions of Group I, claims 1-7, drawn to a method of preventing MMP induction by use of particular compositions in a sunscreen, Group II, claims 8-10, drawn to a method of manufacturing a sunscreen, and Group III, claims 11-18, drawn to methods of treating fibrotic skin conditions.

Applicants hereby elect, with traverse, to prosecute the invention of Group II, claims 8-10, drawn to a method of manufacturing a sunscreen.

The Office action states that Groups I or III, and II, are related as process of using and process of making, which statement is incorrect. The Group I and II claims are directed to blocking certain UVA and/or UVB wavelengths. In contrast, the Group III claims are directed to using those particular UVA or UVB wavelengths for treating fibrotic conditions, the wavelength used depending on the skin color of the patient being treated.

All of the Groups of claims are related to the particular affect on MMP induction in human skin due to UV light of particular wavelengths. Normally, it is desirable to prevent that light from inducing MMPs, which degrade collagen, hence the Group I claims for a sunscreen and the Group II claims for

manufacturing part of that sunscreen. However, in people with fibrotic conditions, like scleroderma, which are characterized by an excess of collagen in the affected area, it is desirable to induce MMPs to reduce the excess collagen.

Further, regarding the statement that these Groups have acquired a separate status in the art,

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP 803.

Thus, according to the MPEP, separate classification is not sufficient if the entire case can be searched at once.

Accordingly, withdrawal of the restriction requirement is believed to be warranted.

#### Petition for Extension of Time

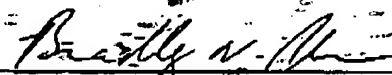
Pursuant to the provisions of 37 CFR 1.136(a), Applicants hereby petition for a four month extension of time to 24 February 2003 in order to respond to the Office Action dated 24 September 2002 setting a one month period for response. Please charge the small entity fee of \$725.00 to Deposit Account No. 502144.

#### **CERTIFICATE OF MAILING OR TRANSMISSION - 37 CFR 1.8**

I hereby certify that I have a reasonable basis that this paper, along with any referred to above, (i) are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231, or (ii) are being transmitted to the U.S. Patent & Trademark Office in accordance with 37 CFR § 1.8(d).

DATE: 24 February 2003NAME: Brad RubenSIGNATURE: Brad Ruben

Respectfully submitted,

  
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